

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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DONALD A. SCOTT, JR., Plaintiff, v. HARRAH'S LLC, Defendant.	Case No. 2:17-cv-01066-APG-VCF Order Accepting Report and Recommendation and Dismissing Case (ECF No. 4)
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On May 9, 2017, Magistrate Judge Ferenbach entered his Report and Recommendation recommending dismissal of the plaintiff Donald Scott's Complaint with prejudice because (1) Scott did not attach a "right to sue" letter from the EEOC, and (2) Scott is not a "qualified individual with a disability" that can assert a claim under the Americans with Disabilities Act. ECF No. 4. Scott filed an objection, to which he attached a "right to sue" letter. ECF No. 6.

I have conducted a de novo review of the issues set forth in the Report and Recommendation under Local Rule IB 3-2. Because Scott has now produced a “right to sue” letter from the EEOC, I reject that portion of Judge Ferenbach’s Report and Recommendation. But Scott’s objection does not rebut Judge Ferenbach’s findings or conclusions that Scott cannot maintain a claim under the ADA. That portion of Judge Ferenbach’s Report and Recommendation sets forth the proper legal analysis and the factual basis for the decision, and I accept and adopt it as my own. Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 4) is accepted in part, and this case is DISMISSED with prejudice. The clerk of the court shall enter Judgment accordingly.

Dated: April 3, 2018.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE